IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.6238 OF 2005

Lomas Rishi Tiwari : Petitioner

V/s.

The Estate Officer (Commissioner of Custom (General) & Anr. : Respondents

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Mr.Rajesh Dixit i/b. V.R.Tripathi & Associates for the petitioner.

Mr.Inder Prakash Tripathi for the respondent nos.1 and 2.

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CORAM : S.A. BOBDE, J.

September 29, 2005.

P.C.:

1. The petitioner has been directed to be evicted from a public premise belonging to the Union of India. This has been done after the procedure prescribed under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The learned City Civil Court has also upheld the order of the Estate Officer in appeal. There is no reason to interfere with the impugned orders.

2. The learned counsel for the petitioner submits that

the petitioner will file an undertaking to vacate the premises on his own within three months from today. On such an undertaking being filed within a period of one week from today, the respondents shall not evict the petitioner forcibly for a period of three months from today. In the event an undertaking is not filed within one week from today, the respondents shall be at liberty to take such steps as may be necessary for giving effect to the order of eviction. Till the usual undertaking is filed, the respondents are directed not to create any interest in favour of any person.

3. The petition is dismissed with the aforesaid observations.

S.A. BOBDE, J.